

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 20-cr-20318
Honorable Linda V. Parker

RICARDO ZAMORA,

Defendant.

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**OPINION AND ORDER DENYING DEFENDANT'S SECOND MOTION
FOR NEW TRIAL**

On July 19, 2022, a jury found Defendant guilty of one count of conspiracy to possess with the intent to distribute cocaine. (*See* ECF No. 41.) Defendant then filed a motion for acquittal pursuant to Federal Rule of Criminal Procedure 29(c) (ECF No. 43) and a motion for new trial pursuant to Rule 33 (ECF No. 44), which, on August 18, 2022, were denied by the Honorable Stephen J. Murphy, to whom the case was then assigned and who presided over the trial (ECF No. 50). Almost a year and a half after the jury's verdict, on December 27, 2023, Defendant, through new counsel, filed a second motion for new trial pursuant to Rule 33. (ECF No. 72.) That motion—as well as Defendant's sentencing—remained pending when Judge Murphy recused himself from this matter and it was reassigned to the undersigned. (ECF No. 76.)

Rule 33 allows a district court to vacate a judgment and grant a new trial “if the interest of justice so requires.” Fed. R. Crim. P. 33(a). Motions for new trial, except those based on newly discovered evidence, “*must be filed* within 14 days after the verdict or finding of guilty.” Fed. R. Crim. P. 33(b)(2). Defendant does not rely on new evidence to support his request for a new trial. (*See generally* ECF No. 72.) Instead, he “supplement[s]” his earlier argument that the Government’s cooperating witnesses’ lacked credibility. (*See, e.g., id.* at PageID. 1685.)

Defendant’s motion—filed well beyond the fourteen-day deadline—is untimely. Accordingly, it is **DENIED**.

SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: June 6, 2024